

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

RONALD DEVONE BALCOM, #158 439,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:19-CV-132-WHA
)	[WO]
DONALD VALENZA, et al.,)	
)	
Defendants.)	

OPINION and ORDER

This case is before the court on the Recommendation of the Magistrate Judge (Doc. 4), and Plaintiff's Objection thereto. Doc. 5. Upon consideration of the Recommendation, the Objection to the Recommendation, and upon an independent review of the file, the court finds the Objection to be without merit and due to be overruled.

Plaintiff is an inmate incarcerated at the Houston County Jail in Dothan, Alabama, who files this 42 U.S.C. § 1983 action challenging the conditions of confinement, a denial of adequate medical care, and a denial of equal protection. In his Recommendation, the Magistrate Judge recommended Plaintiff's complaint be dismissed as malicious under 28 U.S.C. § 1915(e)(2)(B)(i) as it is repetitive of other complaints Plaintiff has filed with the court. Doc. 4. In his objection, Plaintiff argues that if the complaint is repetitive it is because: (1) he has mental health issues; (2) his medication was recently changed and he finds himself being repetitive; and (3) no two claims happened on the same day but are ongoing every day. Doc. 5.

After a thorough review of the records of this court, this court agrees with the Recommendation of the Magistrate Judge that Plaintiff's complaint is duplicative as it repeats

claims presented by him in prior actions filed with this court which remain pending. Plaintiff's complaint is, thus, subject to dismissal as malicious under 28 U.S.C. § 1915(e)(2)(B)(i).

Accordingly, it is hereby ORDERED as follows:

1. The Objection (Doc. 5) is OVERRULED.
2. The Recommendation of the Magistrate Judge (Doc. 4) is ADOPTED.
3. The complaint is DISMISSED with prejudice prior to service of process under 28 U.S.C.

§ 1915(e)(2)(B)(i).

A Final Judgment will be entered.

Done, this 18th day of March 2019.

/s/ W. Harold Albritton
W. HAROLD ALBRITTON
SENIOR UNITED STATES DISTRICT JUDGE